

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC. and
COXCOM, LLC.

Defendants.

Case No. 1:18-cv-00950-LO-JFA

COX’S CONSENT MOTION TO FILE VOLUMINOUS EXHIBITS ON HARD-DRIVE

PURSUANT to Rule 5(d)(2)(A) of the Federal Rules of Civil Procedure, Defendants (“Cox”) seek leave to file two physical exhibits on a hard-drive on the following grounds:

1. This case has been designated for electronic case filing (“ECF”). Subject to “reasonable exceptions,” all pleadings, motions, and papers in an ECF case must be filed by electronic means. Fed.R.Civ.P. 5(d)(3). Generally, under the local ECF procedures, all electronic filings must be in Portable Document File format (“PDF”). *EDVA Electronic Case Filing Policies and Procedures Manual*, at 7 (online ed. March 21, 2019).

2. As explained herein, Cox seeks to use certain electronic spreadsheet exhibits that contain voluminous data, but conversion of those files to PDF files is not reasonably practical. Thus, Cox seeks leave to file those exhibits on a hard-drive, which will be delivered directly to the Clerk for filing.

3. In support of its Declaration of Thomas M. Buchanan in Support of Cox’s Motion to Exclude the Testimony of Putative Expert George P. McCabe, Ph.D., Cox relied on a spreadsheet bearing the Bates No. MM000236. *See ECF No. 302, #8 Exhibit G*. The exhibit

will be contained in the hard-drive. Cox previously produced the exhibit to the Court, in a native format on a USB drive, as ECF No. 239, #6 Exhibit I.

4. In support of its Declaration of Cesie C. Alvarez in Support of Cox's Motion to Exclude the Testimony of Putative Expert Barbara Frederiksen-Cross, Cox again relied on the MM000236 spreadsheet. *See ECF No. 311, #4 Exhibit C.* The exhibit will be contained in the hard-drive. Cox also relied on a spreadsheet bearing the Bates No. Plaintiffs_00286431. *See ECF No. 311, #1 Exhibit A.* The exhibit will be contained in the hard-drive. Cox previously produced the exhibit to the Court, in a native format on a USB drive, as ECF No. 239, #3 Exhibit E.

5. If these two spreadsheets were printed as PDF files, each .csv file would span hundreds of pages. They would be illegible because the columns would span across multiple pages. Furthermore, it would be difficult to filter and analyze PDF versions of these files. Electronically, the files can be opened, viewed, and searched using Microsoft Excel.

6. Under the Rules, the Clerk "must not refuse to file a paper solely because it is not in the form prescribed by these rules or by a local rule or practice." Fed.R.Civ.P. 5(d)(4). Cox is lodging the hard-drive as sealed exhibits, as detailed in Cox's Sealing Motion. *See ECF No. 331.* Cox now seeks an order allowing the Clerk to accept the hard-drive for filing with the judicial record in this case.

7. Plaintiffs have consented to the relief sought by this motion.

8. ***The parties do not seek a hearing on this motion.***

9. A proposed order allowing this relief is submitted herewith.

Dated: September 4, 2019

Respectfully submitted,

/s/ Thomas M. Buchanan

Thomas M. Buchanan (VSB No. 21530)

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CERTIFICATE OF SERVICE

I certify that on September 4, 2019, a copy of the foregoing Cox's Consent Motion, was filed electronically with the Clerk of Court using the ECF system, which will send notifications to ECF participants.

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